

**IN THE UNITED STATE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MCI WORLDCOM NETWORK SERVICES, )  
INC., )  
 )  
Plaintiff, )  
v. )  
 )  
ATLAS EXCAVATING, INC., )  
 )  
Defendant. )

Case No. 02 C 4394

**FILED**  
MAY 13 2003  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**TO:** John P. Morrison, Bell Boyd & Lloyd, LLC  
Three First National Plaza, 70 West Washington, Suite 3300, Chicago, Illinois 60602

James J. Prosek, Hall Estill Harkwick Gable Goden & Nelson, P.C.  
320 South Boston Avenue, Suite 400, Tulsa, Oklahoma 74103-3708

**DOCKETED**  
MAY 15 2003

**NOTICE OF FILING**

PLEASE TAKE NOTICE that on May 13, 2003, we will file with the Clerk of the above Court, **Defendant's Motion for Leave of Court to Exceed Ten Deposition**, pursuant to provisions of the Illinois Civil Practice Act and the Rules of the Illinois Supreme Court. A copy is attached hereto.

JUMP & ASSOCIATES, P.C.

By: Christine M. Sparks  
R. Howard Jump  
Christine M. Sparks

Jump & Associates, P.C.  
Eleven South LaSalle Street  
Suite 2000  
Chicago, Illinois 60603  
(312) 629-5757

**PROOF OF SERVICE**

I certify that on the 12th day of May 2003, a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein by depositing the same in the United States mail in envelope(s) properly addressed to each of them with sufficient first class postage affixed.

Gloria Stevers

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FOR THE NORTHERN DISTRICT OF ILLINOIS  
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12580

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**MOTION FOR LEAVE OF COURT TO EXCEED TEN DEPOSITIONS**

NOW COMES the Defendant ATLAS EXCAVATING, INC., by and through its attorneys, JUMP & ASSOCIATES, P.C., and moves the Court to enter an order granting ALTAS EXCAVATING, INC. leave to take more then ten (10) depositions, and in support thereof states as follows:

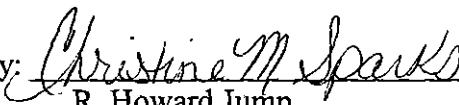
1. On October 15, 2002, MCI WORLDCOM NETWORK SERVICES, INC. filed its initial disclosure. In Plaintiff's Initial Disclosure, thirty-six (36) individuals were listed as persons likely to have discoverable information that supports Plaintiff's claims. All thirty six individuals are said to have knowledge of at least one of the following subjects: the incident, damage inflicted on MCI's cable, repair of MCI's cable, or calculation of MCI's damages.
2. ATLAS EXCAVATING, INC. believes that the depositions of all individuals listed in MCI's initial report are necessary in order to determine if MCI's location marks of the cable were properly marked and to determine how damages are calculated.

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WHEREFORE, DEFENDANT, ATLAS EXCAVATING, INC., respectfully requests the Court to enter an order granting ATLAS EXCAVATING, INC. leave to take more than 10 depositions.

Respectfully submitted,

**JUMP & ASSOCIATES, P.C.**

By:   
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Christine M. Sparks

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**ATTORNEYS FOR DEFENDANT  
ATLAS EXCAVATING, INC.**